

APPEAL PROCEDURES OF THE DIVISION OF THE **STATE ARCHITECT ADVISORY BOARD**

From time to time, differences of opinion will surface between the Division of the State Architect (DSA) and its clients relating to matters concerning building standards as they apply to the planning, construction or alteration of building projects. Before the differences escalate into a more formal appeal process before the DSA Advisory Board (Board), clients may ask DSA for reconsideration through an internal second-tiered review process. DSA is dedicated to keeping open lines of communication between staff and clients and discussion of differences is encouraged.

To initiate a second-tiered review process in one of DSA's Regional Offices, simply ask that the decision rendered by a DSA Regional office staff member be reviewed by the Regional office's supervisory chain of command up to the Regional Manager, if necessary. If still not satisfied with the decision or action, then the client may refer the matter to DSA Headquarters, Chief of Regional Operations.

To initiate a second-tiered review process in DSA Headquarters, ask that the decision rendered by a DSA Headquarters staff member be reviewed by Headquarters supervisory chain of command up to the Deputy to the State Architect, if necessary.

It is anticipated that approximately 95% of the differences of opinion can be resolved internal to DSA. However, in the event of continuing disagreement with a decision of DSA after exhausting the internal review process, an appeal may be made to the DSA Advisory Board, formerly called the Field Act Advisory Board. Matters brought into the appeal process are generally in "gray" areas, where codes and regulations may not be particularly clear.

The Board's purpose is to advise the State Architect on the administration of the Field Act (Education Code, Sections 17280 et seq. and Sections 81130 et seq.). The Board also serves as a board of appeals in all matters relating to the administration and enforcement of building standards for the design, construction, alteration, seismic safety, fire and panic safety and alternate means of protection determinations of public buildings under the jurisdiction of the State Architect. Further, the Board acts as a board of appeals in matters relating to building projects involving the accessibility requirements of Title 24, California Code of Regulations.

To initiate the Board's appeal process, a request for an informal conference can be made to the Executive Director of the Board. Within 10 days, the Executive Director would convene the conference with representatives of the appellant and the State Architect or his/her designee(s) present. A decision would be made by the State Architect following the conference that would confirm, modify or reverse the original decision in question.

If the appellant disagrees with the decision, a formal hearing may be requested of the Board. An appeals committee of the Board would hold a public hearing on the appeal after the

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receipt of documents supporting the request for an appeal hearing. Such committees are appointed by the Board's Chair and are composed of Board members and others (if needed) who have expertise in the subject area of the appeal matter. At the hearing, the appellant has the right to counsel, to submit documentary evidence and exhibits and to have witnesses appear and testify although the hearing is not conducted in accordance with strict rules of evidence or courtroom procedures.

The appeals committee conducts the formal hearing and if all parties agree to the committee's decision in writing, the appeal action is terminated. If all parties do not agree with the decision, the committee transmits the issue to the full Board for consideration. The Board would hear the final arguments from the appellant and render a recommended decision on the appeal. The Board will notify the Director of the Department of General Services (DGS) who may affirm, reverse or amend the ruling, order, decision or act being appealed.

Should the appellant determine he or she has been adversely affected by the decision of the DGS Director, the appellant may further appeal the issue for resolution to the California Building Standards Commission.

The time periods outlined in the appeal process are the maximum times allowed. However, every effort is made by DSA and the Board to expedite the process and to resolve the matter, if possible, at the earliest stage of the process. Further, besides fostering an organized and expeditious way to resolve problems, the appeal process can bring to light issues that may ultimately lead to code, regulatory, or operational changes. DSA clients are encouraged to use this process without concern of compromising future working relationships with any member of the DSA organization.

If you have any further questions or want more information about DSA's appeal process, please contact:

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